

PLANNING BOARD

February 2, 2005

Members Present: Martha Morrison, Stephen Whelan, Jim Decoulos, Jan Ablon
Gregor Smith

Visitors: Atty. Kathleen O'Donnell, K&P, Atty. Mark Johnson, Joe Falzone, Larry Beale, Cynthia O'Connell, Michael O'Hara, Heidi Fox, Carl Larson.

The Chairman called the meeting to order at 7:35 PM

I Fox Run Road Extension: The applicant Mike O'Hara presented an Open Space Plan dated September 30, 2004 with revision dates October 15, 2004, November 12, 2004, December 29, 2004, January 24, 2005. The Board reviewed the new plan and Jim Decoulos made a motion to assess the applicant a fee up to \$1500, in order to hire Oak Engineering; Steve seconded; Vote 5-0.

Martha signed the contract submitted by Oak Engineering. Kathy will forward pertinent information to Oak Engineering Co.

II. Hickory Beech Development: Attorney Kathleen O'Donnell, Kopelman & Paige met with the Planning Board, Developer, Engineer and Atty. for the Hickory Beech Development to offer her expertise in the area of writing and amending zoning bylaws, especially in the area of the elderly housing district. Atty. Johnson recommended the Town adopt a bylaw allowing condominium form of ownership for the elderly housing district. Atty. O'Donnell agreed that lending banks responded more favorably toward condominium ownership. She suggested when writing a bylaw change, include both cooperative/condominium form of ownership. She reminded the group that to change a bylaw would include a petition by either the Planning Board or the Board of Selectmen, Town Meeting vote, and Attorney General approval which would take approximately 90 days after Town Clerk submittal. When choosing the elderly housing district you're choosing those standards of the elderly housing bylaw Kathleen O'Donnell said. Once defined you cannot use the underlying zone. The Developer must have his meets and bounds in place, and to begin with the Elderly Housing District must have fifty feet of frontage. Joe Falzone stated that if the road goes in first he would have to use that 50' strip area. The bylaw states that you need 50 ft. on an existing public way. Atty. O'Donnell suggested wording the amendment to the bylaw, as "upon completion" the district must have fifty (50) feet frontage on the public way.

Martha addressed the buildable area stating that the density is based on standards 3.16, C1. d. and e. and also 4.08 referencing the Town of Topsfield Wetland's General Bylaw. She advised the developer to keep in mind when doing the metes and bounds to create a lot big enough to accommodate the buffer zone Standards (q.) and screening with landscaping.

Atty. O'Donnell advised the developer to make sure he is ready for Town Meeting. Joe Falzone stated he would submit with Cons. Com. March 9th.

Engineering Review discussions ensued. Martha stated it would be good to coordinate the engineers in lieu of each Board working with different groups. Jim reminded them that no permits would be issued until the District is created. Larry Beale commented that 2 percs need to be re-done. So far they have 110 passing percs. Jan asked if there was time to do that common leach area before Town Meeting. Larry said they were planning on 9000 gal. per day for the seniors.

Affordable Housing Trust Fund: Discussions ensued relative to the developer building 45 seniors and contributing the money saved from the remaining 15 seniors to be put in a trust fund for the Town to use wherever or whenever they choose. Atty. O'Donnell discouraged this saying "its wonderful concept" but what if he doesn't build the remaining 15 housings and you never get your money. It's difficult to enforce. It also will cost the Town more money than the Developer to build. She suggested building the total 60 units whether they count or not for the State to recognize.

Steve commented that the Town needs more rental affordable housing.

Joe explained how the bank worked releasing funds, that with every condo sold, there is a lot released. Atty. Johnson stated that they were happy to satisfy the Town but they needed something they could count on.

Steve stated that the Board was trying to be creative to solve the affordable problem.

Atty. O'Donnell stated with an Affordable Housing Trust the Town can't get involved in public bidding and construction would be subject to public bidding. Steve suggested restrictions, with an example of transferring land to i.e. Habitat. If not done within 5 yrs. land goes back to the Town. The Housing Authority could hold the restriction. Atty. O'Donnell stated the Affordable Housing Trust is a new state statue. You have to vote the acceptance. The Town can't transfer land unless done at Town Meeting. Atty Johnson stated he would be happy to do this if the mechanics could be worked out. He

would write the agreements of security. Steve asked if Habitat would bother them.

Answer: No. Atty. O'Donnell commented we would have to work out a balancing act. The Town could buy restrictions, not just land.

If we reduce the 60 units to 45 and build 15 smaller rentals at i.e. Highway Garage we need to think through the language that binds the developer to do it. Planning Board would have that ability to accept security etc. for Town Meeting. If it isn't in there, the Planning Board doesn't have the ability to do it.

Martha reminded them that 40B units give 25%, every 4 built, one is affordable. Joe responded that 40B wouldn't have your restrictions.

Steve stated that limited water resources predict that this will be a tax on the acquirer. Larry stated that wells would affect the same aquifer but if necessary it would be a matter a little geometry for plan.

Kathy will set up another workshop with Atty. Johnson. We have a placeholder on the warrant but we need to have the legal description for the District. We need to have a list of warrant articles to present to the Selectmen. The Warrant closes March 1st, 2005.

Jim moved to approve the minutes of January 5, 2005; Jim seconded; Vote 5-0.

Jan moved to accept the minutes of January 19, 2005; Steve seconded; Vote 5-0.

The meeting adjourned at 10:30 PM

Respectfully submitted

Kathleen E. Smith
Secretary